

SEP-22-2003 MON 04:07 PM 01 GAS & MINING

FAX NO. 801 3940

P. 02



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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m/035/002

September 22, 2003

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SEP 23 2003

DIV OF OIL GAS & MINING

Ms. Paula Doughty
Kennecott Utah Copper
8315 West 3595 South
P. O. Box 6001
Magna, Utah 84044-6001

Subject: Conditional Approval for Sediment Removal Operation, Kennecott Utah Copper,
Bingham Canyon Mine, M/035/002, Salt Lake County, Utah

Dear Ms. Doughty:

Thank you for meeting with us this morning to discuss your proposal to remove sediment from the South Jordan Evaporation Ponds to the Copper Notch Repository. This afternoon, we received a memorandum from Jon Callender clarifying the issues we discussed in the meeting. Based on the meeting and the memorandum, the Division hereby issues conditional approval for the sediment removal project. The conditions are:

1. Kennecott must abide by the commitments and plans in the amendment submitted electronically August 22, 2003, and by paper copy submitted September 22, 2003, and must also follow the clarifications in the memorandum from Jon Callender to the Division submitted September 22, 2003.
2. Sludge, mixed soils, and native soils from the evaporation ponds will be in a mixed condition when they are taken to the Copper Notch repository. It may be possible to use these soils for reclamation in other parts of the mine permit area, but the quality of the mixed soils is not known at this time. At some time after the soils are in place at the repository, Kennecott will initiate a testing program to characterize this material to determine whether and under what circumstances the soils might be used for reclamation.
3. The Division will review the sediment removal amendment and is likely to need additional clarification on certain issues. Kennecott will provide responses to these questions in a timely manner. Kennecott needs to ensure that the final

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Where ideas count

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approved proposal is in a consolidated format that can be made part of the mine reclamation plan.

Please let us know whether you can agree to these conditions. Your written acceptance will constitute approval. If you need additional information or cannot accept these conditions as outlined, please notify us so we can resolve the issues.

Thank you for your cooperation. Please contact me at 801-538-5321 or Doug Jensen at 801-538-5382 if you have questions about this letter.

Sincerely,



Tom Munson, Reclamation Hydrologist
 Division of Oil, Gas and Mining

TM:PBjfb

cc: Jon Callender

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Kennecott agrees to the above listed conditions.
 This requested information is being provided as a supplement to the updated April 30, 2003, Bingham Canyon mine Reclamation Plan. Notwithstanding, this, Kennecott points out that the work in question is being done pursuant to CERCLA authority that preempts local permitting requirements pursuant to 42 USC 9621(e). (Jan. 3, 2002 Consent Decree, Civil Action No. 2:02CV1228 DAK.)

Paula Doughty
 Manager, Env. Affairs &
 Strategic Resources